

**IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF MONTANA  
GREAT FALLS DIVISION**

UNITED STATES OF AMERICA,

Plaintiff,

vs.

DONNY LYNN FERGUSON,

Defendant.

**CR-18-56-GF-BMM**

**ORDER**

Defendant Donny Lynn Ferguson appeared before United States Magistrate Judge John Johnston on September 25, 2018 and entered a plea of guilty to Possession with Intent to Distribute Methamphetamine in violation of 21 U.S.C. § 841(a)(1), as charged in Count I of the Indictment, and to Possession of a Firearm in Furtherance of a Drug Trafficking Crime in violation of 18 U.S.C. § 924(c)(1)(A)(i), as charged in Count II of the Indictment. Ferguson further agreed to abandon all right, title, and interest in the property described in the Forfeiture Allegation contained in the Indictment. Judge Johnston entered Findings and Recommendations on September 25, 2018. (Doc. 33.)

Judge Johnston determined: (1) that Ferguson was fully competent and capable of entering an informed and voluntary plea to both counts, and an

informed and voluntary admission to the allegation of forfeiture; (2) that Ferguson was aware of the nature of the charges against her and the consequences of pleading guilty to Counts I and II; (3) that Ferguson understood the forfeiture allegation and the consequences of admitting to the allegation; (4) that Ferguson understood her constitutional rights, and the extent to which she was waiving those rights by pleading guilty to both counts and admitting to the allegation of forfeiture; (5) that Ferguson's plea of guilty to Counts I and II and her admission to the allegation of forfeiture were knowingly and voluntarily entered, and were supported by an independent basis in fact sufficient to prove each of the essential elements charged in Counts I and II and the legal basis for the forfeiture; (6) that Ferguson had adequate time to review the Plea Agreement with counsel; and (7) that Ferguson understood each provision of the Plea Agreement. (Doc. 33 at 2-3.) Judge Johnston recommended that the Court accept Ferguson's plea of guilty to Possession with Intent to Distribute Methamphetamine as charged in Count I of the Indictment and to Possession of a Firearm in Furtherance of a Drug Trafficking Crime as charged in Count II of the Indictment. (Doc. 33 at 3.) Judge Johnston recommended that the agreed forfeiture be imposed against Ferguson. (Doc. 33 at 3.)

Neither party filed objections. The Court will review Judge Johnston's Findings and Recommendations for clear error. *McDonnell Douglas Corp. v.*

*Commodore Bus. Mach., Inc.*, 656 F.2d 1309, 1313 (9th Cir. 1981). The Court finds no error and adopts Judge Johnston's Findings and Recommendations in full.

IT IS ORDERED:

1. Ferguson's Motion to Change Plea (Doc. 27) is GRANTED.
2. The Court will defer acceptance of the Plea Agreement (Doc. 25) until sentencing, at which time the Court will have reviewed both the Plea Agreement and the Presentence Investigation Report.

DATED this 31<sup>st</sup> day of October, 2018.



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Brian Morris  
United States District Court Judge